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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,855	07/14/2003	Kevin J. Harrington	32157-101 US	3326
26486 7590 07/18/2008 BURNS & LEVINSON, LLP 125 SUMMER STREET BOSTON, MA 02110				
EXAMINER				
SAADAT, CAMERON				
ART UNIT		PAPER NUMBER		
3714				
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07/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/618,855

Applicant(s)

HARRINGTON, KEVIN J.

Examiner

CAMERON SAADAT

Art Unit

3714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-16 and 19-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Cameron Saadat/
Primary Examiner, Art Unit 3714

Continuation of 11, does NOT place the application in condition for allowance because: Applicant argues that Larsen does not disclose or suggest the claimed steps of receiving updates to existing information and interrelating or linking updated information based on updated relationships because Larsen is limited to adding data to the system. The examiner disagrees. Larson discloses a system and method that allows a user to create tactical information for a site (building) for crisis situations by allowing a user to link HTML pages for displaying and linking images and maps (See Col. 12, lines 5-30). Larsen additionally discloses the feature of allowing a user to review characteristic information and relationship information of the building in order to identify any modifications or corrections. See Col. 12, lines 45-46. Therefore, Larson is not limited to simply adding data as purported by applicant, but instead allows a user to update existing information and linking updated information with HTML pages that link-to and link-from locations. Applicant further argues that Larsen's HTML pages and modification capabilities do not include the claimed step of interrelating the received updates because Larsen's links, if they can be considered updates, would be assumed to be independent of one another without further description of an interrelationship capability. The examiner disagrees with this argument. Firstly, the examiner has not equated the claimed update with Larsen's HTML pages. Instead, the examiner has pointed out that Larsen allows a user to link HTML pages for displaying and linking images and maps (See Col. 12, lines 5-30). In addition, Larsen discloses that these pages can be updated by allowing a user to identify any necessary modifications or corrections. Thus, it is the examiner's position that the updated information (modifications/corrections) to the HTML pages are interrelated by virtue of having link-to and link-from assignments.

It is additionally emphasized by applicant that the addition of Neiman to Larsen would render Larsen unsuitable for its intended purpose. Applicant supports this position by stating that not only does Larsen not suggest the use of a handheld device, but by limiting his PU to a personal computer, Larsen teaches away from the use of a handheld device and therefore teaches away from combining Larsen with Neiman. The examiner disagrees. In this case, Larsen discloses all of the claimed subject matter with the exception of explicitly disclosing the claimed feature of providing a handheld device. However, Neiman teaches a method and system for displaying structural plans responsive to emergency tactical situations, wherein users may access the system using remotely located handheld devices 310. See Col. 10, lines 4-7. In view of Neiman, it would have been obvious to one of ordinary skill in the art to modify the computer system described in Larsen, by providing a handheld device, in order to allow responding emergency personnel to remotely access critical building emergency information utilizing a portable device, and therefore improving emergency personnel response. Applicant's position is that the introduction of Neiman's architecture would render Larsen unsuitable for its intended purpose. However, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, the portability advantages of a handheld device would have been obvious to one of ordinary skill in the art, with predictable results, such as improved response time.

In response to applicant's argument that Larsen teaches away from the use of a hand held device, a prior art reference that "teaches away" from the claimed invention is a significant factor to be considered in determining obviousness; however, "the nature of the teaching is highly relevant and must be weighed in substance. A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." *In re Gurley*, 27 F.3d 551, 554, 31 USPQ2d 1130. In this case, the primary reference does not disclose or suggest that a hand held device should not be employed nor does it even suggest that it would be inferior. Therefore, it is the examiner's position that Larsen does not teach away from the use of hand held devices.

Applicant additionally purports that nothing in Larsen suggested the use of a handheld device, and Larsen's system could not operate on or in conjunction with a handheld device because of the limited processing and storage capability of a handheld device. Applicant is reminded that the examiner has not relied on Larsen for the teaching and motivation of providing a hand held device, but instead has cited Neiman to support the position that it would have been obvious to one of ordinary skill in the art to modify the computer system described in Larsen by providing a handheld computer. In addition, applicant has not provided any evidence to support the allegation that Larsen's system could not operate on a handheld device because of the limited processing and storage capability of a handheld device.

With respect to dependent claims 4 and 12, applicant argues that Neither Larsen nor Pyle make obvious applicant's claimed step of automatically contacting individuals through the user of electronic contact information automatically determined from the linked characteristic information. The examiner disagrees. Larson discloses a "Critical Information & Telephone #'s" in menu 111(See Fig. 16), wherein emergency contact personnel are linked to specific phone numbers. Larsen discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of (as per claim 4) automatically contacting individuals through use of electronic contact information; (as per claim 12) a dispatcher. However, Pyle teaches an alerting system for emergencies, wherein an automatic telephone dialer 460 is activated to make a telephone call to a designated emergency number, such as a police or fire department dispatcher. See Pyle, Col. 5, lines 43-54. Thus, in view of Pyle, it would have been obvious to one of ordinary skill in the art to modify Larsen's emergency contact list, by providing an automatic contacting device, in order to receive a prompt response to the emergency.

For these reasons, the rejection of claims 1-16 and 19-20 is maintained. It is noted that Applicant has cancelled claims 17 and 18. Accordingly the claim objection to these claims is withdrawn.